Single Bench

Rs 100/-

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR
W.P. (S) NO. 5927 / 2006

Petitioner : Jagdish Singh
S/o Shri Lt Balram,
Aged about 42 years
R/o Rikhi (Salka),
Block & P.S. – Udaipur,
Dist : Sarguja-(C.G.)

Versus

Respondents :

1. State of Chhattisgarh
Through-The Secretary
General Admn. Department,
D.K.S. Bhawan Raipur,
Dist : Raipur-(C.G.)

P.R. No. 5962/06
Presented by Shri A.N. Pandey
dated 30/10/06

2. The Collector Sarguja,
Dist : Sarguja-(C.G.)

RECEIVED COPY
13/X/06
CLERK to A. G. BILASPUR

3. The Commissioner,
Adhivasi Vikas Ayukt Ambikapur
Dist : Sarguja-(C.G.)

4. The Block Education Officer,
Udaipur, Dist : Sarguja-(C.G.)

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

21

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5927 of 2006

Petitioner: Jagdish Singh

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri A. N. Pandey, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the Respondents.

ORDER

(2nd November, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, while posted as Teacher in middle school Lalati, Block Udaipur was transferred to primary school Totko, Block Ordgi i.e. within district- Surguja, by order dated 7.7.2006. Consequent upon the transfer order relieving order dated 28.7.2006 (Annexure P/2) was served upon the petitioner. Being aggrieved the petitioner filed a writ petition being W.P.No. 4188/2006 challenging the validity of the relieving order dated 28.7.2006.

2. This Court after hearing both the parties granted liberty to the petitioner to make a representation, if any, to the respondent No.1 with a direction that the same would be decided within a period of 30 days. The representation was considered by the State Authorities and decided by order dated 21.9.2006 (Annexure P/1).

22

3. Upon perusal of the impugned order dated 21.9.2006 it appears that initially the transfer order dated 7.7.2006 was passed in public interest and due to the administrative exigency. The State authority has considered all the aspects of the matter before rejecting the representation of the petitioner. Needless to say that the petitioner has been transferred from one block to the other block within the same district of naxalite infested district, therefore the provision of para 2 (4) of the transfer policy 2006-2007 is not applicable.

4. Be that as it may, it is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner.

5. In view of the foregoing, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur